

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCHNUCK MARKETS, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
FIRST DATA MERCHANT DATA)	Case No. 4:13CV2226 JAR
SERVICES CORP., and)	
CITICORP PAYMENT SERVICES, INC.)	
)	
Defendants.)	

JOINT PROPOSED SCHEDULING PLAN

COME NOW Plaintiff/Counterclaim Defendant Schnuck Markets, Inc. and Defendants/Counterclaim Plaintiffs First Data Merchant Data Services Corp. and Citicorp Payment Services, Inc. (collectively, the “parties”) and for their Joint Proposed Scheduling Plan, state as follows:

- (a) The Track Assignment of 2: Standard is appropriate.
- (b) Joinder of additional parties will be accomplished by May 16, 2014. Any amendment of the pleadings will be done by June 9, 2014.
- (c) Discovery
 - (i) Whenever feasible, the parties will produce all electronically stored information in bate-stamped, OCR text, or pdf format. Alternatively, if unable to produce electronically stored information in such a manner, the parties will produce the information in the currently stored format.
 - (ii) The parties have agreed that if any party inadvertently produces electronically stored information, or other documents, that the producing party claims after

production are privileged, they will notify the opposing party or parties within a reasonable time of learning that an inadvertent production had occurred. Further, all parties who received such information shall promptly return, sequester or destroy it, and must take reasonable steps to retrieve the information from third parties, including expert witnesses. The parties, however, reserve their right to claim that the information disclosed was not privileged or that the privilege was waived. The parties are requesting that the Court include their agreement in the Court's Scheduling Order.

- (iii) The parties shall make initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure by April 28, 2014.
- (iv) The discovery shall not be conducted in phases nor limited to certain issues.
- (v) The parties shall disclose all expert witnesses and provide reports as required by Rule 25(a)(2) of the Federal Rules of Civil Procedure no later than September 8, 2014. The parties shall exchange expert rebuttal witness summaries and reports as required by Rule 26 of the Federal Rules of Civil Procedure no later than October 13, 2014.
- (vi) The presumptive limit of ten (10) depositions, excluding records depositions, should not be varied at this time; however, the parties request that they be able to exceed these depositions by stipulation of the parties or application to the Court at a later time. The presumptive limit of twenty-five (25) interrogatories, excluding subparts, as set forth in Rule 33(a) of the Federal Rules of Civil Procedure should not be increased at this time.

- (vii) The parties do not anticipate that any physical or mental examination of the plaintiffs made by Rule 35 of the Federal Rules of Civil Procedure will be necessary.
- (viii) All discovery will be completed by November 18, 2014.
- (ix) The parties may, by agreement, extend the deadlines herein provided for expert disclosure and deposition.
- (d) The parties agree that this case is suitable for alternative dispute resolution, and state that this case should be referred to a neutral under this Court's ADR program on or after April 28, 2014.
- (e) All dispositive motions, including motions to dismiss, motions for summary judgment, or judgment on the pleadings must be filed no later than December 1, 2014.
- (f) The earliest this case reasonably can be expected to be ready for trial is April 1, 2015.
- (g) The parties estimate that this case will take approximately three (3) to five (5) days to try to verdict before a jury.
- (h) The parties do not have any other matters they deem appropriate for inclusion in this Joint Scheduling Plan.

Dated: April 3, 2014

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, PC

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